

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ROXANNE ALEXANDRA CORDOVA,**

**Plaintiff,**

**v.**

**No. 13-cv-0325 SMV**

**CAROLYN W. COLVIN,  
Acting Comm'r of SSA,**

**Defendant.**

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

THIS MATTER is before the Court on the Order to Show Cause [Doc. 20], issued on January 8, 2014. Plaintiff was ordered to show cause no later than January 29, 2014, why her case should not be dismissed without prejudice for lack of prosecution because she failed to file her Motion to Reverse or Remand Administrative Agency Decision ("MRR"). *Id.* The Court's Notice of Electronic Filing reflects that the order was mailed to Plaintiff at 4304 Ruger Rd. SW in Albuquerque, NM 87121. However, Plaintiff has not responded to the Order to Show Cause in any way.

The Court finds that dismissal is warranted in this case. *See Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992) (outlining factors to consider in dismissing a case). Defendant will suffer prejudice and the judicial process will be stymied if the case proceeds with no brief from Plaintiff. Plaintiff has offered no explanation for her failure to file the MRR, but more importantly, she has not asked for an extension of time or otherwise indicated that she has any intention of filing it. The Court warned Plaintiff that her case may be dismissed for her failure to

prosecute her claim, but she did not respond. Finally, the Court finds that lesser sanctions would not be effective in this situation.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice** for lack of prosecution. *See* Fed. R. Civ. P. 41(b); *Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151 (10th Cir. 2007) (noting the court has inherent authority to consider sua sponte whether a case should be involuntarily dismissed due to a plaintiff's failure to prosecute).

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**